

REMARKS

On July 3, 2008 applicant filed a Response and Request for Reconsideration. On July 16, 2008 an Advisory Action was issued indicating that the Request for Reconsideration has been considered but not placed the application in condition for allowance.

In the Advisory Action, the Examiner has continued the rejection of claim 1 as being fully anticipated under 35 U.S.C. §102(e) by Atlas. The Examiner has indicated that the arguments submitted by applicant suggest that claimed groups are fundamentally different from musical notes and the Examiner takes issue with this characterization. The Examiner has directed applicant's attention to the specification, page 2, last sentence, wherein, according to the Examiner, audio signal can be either a sound source from a musical instrument or a human voice. Also, referring to page 3 of the specification, fifth paragraph, the Examiner indicates that the cited text discusses a group as any array of frequencies corresponding to a tone pitch. On the basis of these passages, the Examiner concludes that one skilled in the art could clearly see that a group, as claimed, can be defined in terms of a musical note consisting of either one pitch frequency or a plurality of pitch frequencies because the array has dimensions of both frequency and time. The Examiner also indicates that there is nothing in the claim that limits an intended use to audio signals from a human voice or noise, or to only one frequency.

Regarding the rejection of claims 4-6 as being obvious under 35 U.S.C. §103(a) on the basis of Atlas in view of or when combined with Levine et al, the Examiner maintains that there is "ample motivation" to combine as set forth in Levine to meet the standard of either KSR International Co. v. Teleflex, Inc. or any other prior standard of obviousness. The Examiner has,

therefore, maintained that it is known to employ art recognized alternative filters and lost values as taught by Levine et al.

Initially, it is noted that applications DE 101 13 880.6 (corresponding to PCT/DE02/00987) and DE 101 52 612.1 (corresponding to PCT/DE02/00995) have been referenced in the subject application as filed. Corresponding applications have been subsequently issued in the United States as U.S. Patent Nos. 7,130,347 and 7,359,560, respectively. During the telephone conference with the Examiner Lerner on July 31, 2008, the Examiner indicated that incorporation by reference of these references would be allowed in view of the copendency of the respective applications and the fact that these prior applications have been substantively discussed in the detailed description of the invention.

With regard to the amendments to claim 1, it is noted that the subject invention is partially based upon the teachings contained in the U.S. Patent Nos. 7,130,347 and 7,359,560 and it is believed that incorporating these patents and teachings containing therein into the subject application will facilitate an understanding of the subject matter of the present invention.

With regard to amended claim 1, this claim now additionally requires that the fields be combined and used for the calculation of priority values into a field group and that the field groups in the array are sorted with the aid of their priority values.

It is respectfully submitted that amended claim 1 clearly and patentably distinguishes over the applied patent, Atlas, since that reference does not teach or suggest all of the limitations contained in the application.

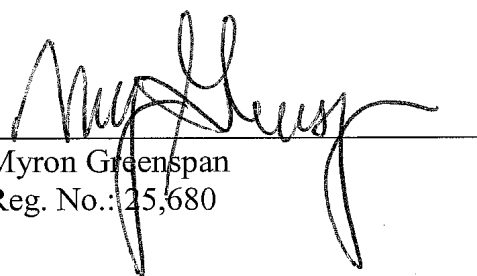
Reconsideration by the Examiner and withdrawal of prior art rejections is, accordingly, respectfully solicited.

Applicant hereby authorizes any extension of time fee, and any other fee necessary for the consideration of this Amendment or to prevent abandonment of this application, to be charged to Deposit Account No. 10-0100 (Docket No. P-57 MG).

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Respectfully submitted,


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